

Order

Michigan Supreme Court
Lansing, Michigan

July 2, 2008

Clifford W. Taylor,
Chief Justice

135851

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 135851
COA: 271870
Genesee CC: 04-013953-FH

BARBARA SUE WILLIAMS,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the January 22, 2008 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals. In *People v Boyd*, 174 Mich 321, 324 (1913), this Court discussed common-law obstruction of justice, and stated as follows: "At common law, to dissuade or prevent, or to attempt to dissuade or prevent, a witness from attending or testifying upon the trial of a cause is an indictable offense." Actual intimidation of the witness is not required; a defendant is guilty of common-law obstruction of justice who uses an unlawful means to attempt to intentionally dissuade a witness from testifying. See *Boyd*, 174 Mich 324-326; *People v Coleman*, 350 Mich 268, 274 (1957); see also *People v Davis*, 408 Mich 255, 294 (1980) (Levin, J.). In this case, the defendant knowingly violated a no-contact order when she wrote to the victim, asking her to drop the embezzlement charges. In an attempt to conceal her violation of the no-contact order, the defendant put a false return address on the envelope. Based upon this evidence, a factfinder could properly convict the defendant of common-law obstruction of justice. Accordingly, we REMAND this case to the Genesee Circuit Court for reinstatement of the trial court's order denying the defendant's motion to withdraw her guilty plea to common law obstruction of justice.

CAVANAGH and KELLY, JJ., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 2, 2008

Corbin R. Davis

Clerk